

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XPOINT TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 09-628-SLR
)	
MICROSOFT CORP., et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, the court approved the parties' stipulated scheduling order (D.I. 246) on March 5, 2010, requiring that all motions to amend the pleadings be filed by January 27, 2011;

WHEREAS, defendant Freescale Semiconductor, Inc. ("Freescale") filed a motion to dismiss for failure to state a claim (D.I. 450) on September 7, 2010, in response to plaintiff's second amended complaint (D.I. 439);

WHEREAS, plaintiff filed a motion for leave to file a third amended complaint (D.I. 548) on October 19, 2010;

WHEREAS, Freescale and Cypress Semiconductor Corp. ("Cypress") (collectively "defendants") filed a motion (D.I. 689) to amend/correct their answers to the second amended complaint and counterclaims (D.I. 462; D.I. 472) on January 27, 2011; and

WHEREAS, granting plaintiff leave to file a third amended complaint renders defendants' motions on plaintiff's second amended complaint moot;

IT IS ORDERED that plaintiff's motion for leave to file a third amended complaint (D.I. 548) is granted.

IT IS FURTHER ORDERED that both Freescale's motion to dismiss (D.I. 450) and defendants' motion to amend/correct answers to the second amended complaint and counterclaims (D.I. 689) are dismissed without prejudice, with leave to refile in connection with plaintiff's third amended complaint.


United States District Judge

Dated: July 28, 2011